

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL KOZIARA,

Plaintiff,
v.

BNSF RAILWAY COMPANY,

ORDER

Defendant.

A jury found in favor of plaintiff Michael Koziara on his claim that defendant BNSF Railway Company retaliated against him for reporting a workplace injury, in violation of the Federal Rail Safety Act (FRSA). BNSF appealed, Dkt. 238, and the court stayed the execution of the judgment pending appeal, Dkt. 255, at 15-16. The Court of Appeals for the Seventh Circuit reversed and instructed this court to dismiss the suit. Dkt. 258. Koziara filed a petition for rehearing en banc, which the Court of Appeals denied. Dkt. 258-2. The Court of Appeals then issued its mandate with a bill of costs awarding BNSF its appellate costs in the amount of \$565. Dkt. 258-3.

Accordingly, the court will dismiss this case, with appellate costs, as instructed in the decision and by the mandate of the Court of Appeals. Dkt. 258; Dkt. 258-1; Dkt. 258-3. BNSF may also recover costs from this court with a properly supported bill of costs, to be filed within 14 days.

ORDER

IT IS ORDERED that:

1. This case is DISMISSED with prejudice.
2. Defendant BNSF Railway Company is awarded appellate costs in the amount of \$565, in accordance with the mandate and bill of costs from the Court of Appeals.
3. Defendant may file a supported petition to recover costs by December 30, 2016.

Entered December 16, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge